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Remarks/Arguments

Applicants respectfully request favorable reconsideration of the subject application, particularly in view of the above amendment and the following remarks. Applicants respectfully urge that there is no additional fee for the above amendment as the number of independent claims and the total number of claims remain unchanged.

Applicants have amended the specification of the subject application to update the status of the priority applications to the subject application. In addition, Applicants have amended the specification as set forth herein above to recite some specific fluid fuels suitable for use in the method for generating electricity of the invention claimed by Applicants. In particular, Applicants have amended the specification to indicate that suitable fluid fuels for use in the claimed invention include, but are not limited to, methane, ethane, ethanol, propane, propanol and butane. Applicants respectfully urge that this amendment is fully supported, for example, by Claims 6 and 12 of the application as originally filed, which claims recite the limitation of the dry fluid fuel comprising at least two carbon atoms, and by Claims 8 and 14 which recite the limitation that the fluid fuel is selected from the group consisting of methane, alcohols, toluene, n-decane, synthetic diesel fuels and

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mixtures thereof. Accordingly, Applicants respectfully urge that this Amendment incorporates no new subject matter into the application

Claims 6, 7 and 12-16 have been rejected under 35 U.S.C. 112, first paragraph, because the specification, although being enabling for fluid fuels having at least four carbons, allegedly does not provide enablement for a fluid fuel having “at least two carbon”. In response to this rejection, Applicants have amended the specification to provide examples of suitable fluid fuels having two and three carbon atoms, such as ethane and propane. Accordingly, Applicants respectfully urge that this amendment overcomes this rejection.

The invention claimed by Applicants is a method for generating electricity using a solid oxide fuel cell comprising the steps of contacting the anode electrode of the solid oxide fuel cell with a dry fluid fuel selected from the group consisting of hydrocarbons, carbonaceous materials and mixtures thereof, contacting the cathode electrode with an oxidant, and directly oxidizing the dry fluid fuel in the solid oxide fuel cell, resulting in the generation of electricity.

Claims 1, 2 and 6-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (Nature **404**, 265-267, 16 March 2000) (hereinafter “the Park et al. reference”). This rejection is respectfully traversed. The Park et al. reference discloses a method and apparatus for direct oxidation of dry hydrocarbons in a solid

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oxide fuel cell for the purpose of generating electricity. However, as stated beginning at Page 2, line 2 of the specification of the subject application, the subject application is a continuation-in-part application of U.S. Patent Application Serial No. 09/261,324 filed 03 March 1999, and PCT International Patent Application No. PCT/US00/05735 filed 03 March 2000 and, as such, has priority filing dates earlier than the publication date of the Parks et al. reference. Applicants respectfully urge that the direct oxidation of dry fluid fuels in a solid oxide fuel cell is fully disclosed in the priority applications. Accordingly, Applicants respectfully urge that the Park et al. reference, which has a publication date subsequent to the filing dates of the priority applications, is not a proper citation against the subject application under 35 U.S.C. 102(b), based upon which Applicants further respectfully urge that the Park et al. reference does not anticipate the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b).

Claims 3-5 and 9-16 have been rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative under 35 U.S.C. 103(a) as being unpatentable over the aforementioned Park et al. reference as applied to Claims 1, 2 and 6-8. This rejection is respectfully traversed. Applicants arguments with respect to the Park et al. reference as set forth herein above are equally applicable to this rejection. That is, because the Park et al. reference has a publication date subsequent to the filing dates

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of the priority applications, which priority applications fully disclose the direct oxidation of dry fluid fuels in a solid oxide fuel cell to generate electricity, it is not a proper citation against the subject application. Accordingly, given this fact, Applicants respectfully urge that the Park et al. reference neither anticipates the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b) nor renders Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

Claims 1-7, 10-13, 15 and 16 have been rejected under the judicially created doctrine of double patenting over Claims 6-11 of U.S. Patent No. 6,589,680 B1 (hereinafter "the '680 patent") because the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. In response to this rejection, Applicants are enclosing a Terminal Disclaimer in compliance with 37 CFR 1.321(c), which Terminal Disclaimer Applicants respectfully urge overcomes this rejection.

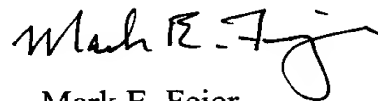
Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned.

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Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Fejer", with a stylized flourish at the end.

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